

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JORDAN WYCKOFF, DARWIN COX,  
Individually and on Behalf of All Those  
Similarly Situated,

Plaintiff,

v.

OFFICE OF THE COMMISSIONER OF  
BASEBALL, an unincorporated association  
doing business as MAJOR LEAGUE  
BASEBALL; ALLAN H. SELIG; ROBERT  
D. MANFRED, JR.; KANSAS CITY  
ROYALS BASEBALL CORP.; MIAMI  
MARLINS, L.P.; SAN FRANCISCO  
BASEBALL ASSOCIATES LLC; BOSTON  
RED SOX BASEBALL CLUB L.P.;  
ANGELS BASEBALL LP; CHICAGO  
WHITE SOX LTD.; ST. LOUIS  
CARDINALS, LLC; COLORADO ROCKIES  
BASEBALL CLUB, LTD.; THE BASEBALL  
CLUB OF SEATTLE, LLLP; THE  
CINCINNATI REDS, LLC; HOUSTON  
BASEBALL PARTNERS LLC; ATHLETICS  
INVESTMENT GROUP, LLC; ROGERS  
BLUE JAYS BASEBALL PARTNERSHIP;  
CLEVELAND INDIANS BASEBALL CO.,  
L.P.; CLEVELAND INDIANS BASEBALL  
CO., INC.; PADRES L.P.; SAN DIEGO  
PADRES BASEBALL CLUB, L.P.;  
MINNESOTA TWINS, LLC;  
WASHINGTON NATIONALS BASEBALL  
CLUB, LLC; DETROIT TIGERS, INC.; LOS  
ANGELES DODGERS LLC; LOS ANGELES  
DODGERS HOLDING COMPANY LLC;  
STERLING METS L.P.; ATLANTA  
NATIONAL LEAGUE BASEBALL CLUB,  
INC.; AZPB L.P.; BALTIMORE ORIOLES,  
INC.; BALTIMORE ORIOLES, L.P.; THE  
PHILLIES; PITTSBURGH ASSOCIATES,  
L.P.; NEW YORK YANKEES P'SHIP;  
TAMPA BAY RAYS BASEBALL LTD.;  
RANGERS BASEBALL EXPRESS, LLC;  
RANGERS BASEBALL, LLC; CHICAGO  
CUBS BASEBALL CLUB, LLC;  
MILWAUKEE BREWERS BASEBALL  
CLUB, INC.; MILWAUKEE BREWERS  
BASEBALL CLUB, L.P.,

Defendants.

Case No. 1:15-cv-05186-PGG

Hon. Paul G. Gardephe

**CLASS ACTION**

**DECLARATION OF  
ADAM M. LUPION, ESQ.  
IN SUPPORT OF DEFENDANTS'  
REPLY MEMORANDUM TO  
MOTION TO DISMISS**

I, Adam M. Lupion, Esq. declare as follows:

1. I am a Partner at Proskauer Rose, LLP, counsel for the Defendants OFFICE OF THE COMMISSIONER OF BASEBALL, an unincorporated association doing business as MAJOR LEAGUE BASEBALL; ALLAN H. SELIG; ROBERT D. MANFRED, JR.; KANSAS CITY ROYALS BASEBALL CORP.; MIAMI MARLINS, L.P.; SAN FRANCISCO BASEBALL ASSOCIATES LLC; BOSTON RED SOX BASEBALL CLUB L.P.; ANGELS BASEBALL LP; CHICAGO WHITE SOX LTD.; ST. LOUIS CARDINALS, LLC; COLORADO ROCKIES BASEBALL CLUB, LTD.; THE BASEBALL CLUB OF SEATTLE, LLLP; THE CINCINNATI REDS, LLC; HOUSTON BASEBALL PARTNERS LLC; ATHLETICS INVESTMENT GROUP, LLC; ROGERS BLUE JAYS BASEBALL PARTNERSHIP; CLEVELAND INDIANS BASEBALL CO., L.P.; CLEVELAND INDIANS BASEBALL CO., INC.; PADRES L.P.; SAN DIEGO PADRES BASEBALL CLUB, L.P.; MINNESOTA TWINS, LLC; WASHINGTON NATIONALS BASEBALL CLUB, LLC; DETROIT TIGERS, INC.; LOS ANGELES DODGERS LLC; LOS ANGELES DODGERS HOLDING COMPANY LLC; STERLING METS L.P.; ATLANTA NATIONAL LEAGUE BASEBALL CLUB, INC.; AZPB L.P.; THE PHILLIES; PITTSBURGH ASSOCIATES, L.P.; NEW YORK YANKEES P'SHIP; TAMPA BAY RAYS BASEBALL LTD.; RANGERS BASEBALL EXPRESS, LLC; RANGERS BASEBALL, LLC; CHICAGO CUBS BASEBALL CLUB, LLC; MILWAUKEE BREWERS BASEBALL CLUB, INC.; MILWAUKEE BREWERS BASEBALL CLUB, L.P., ("collectively, "Defendants") in the above-caption action.

2. I have knowledge of the facts set forth herein, and if called upon as a witness thereto, I could do so competently under oath.

3. Attached hereto as Exhibit 1 is a true and correct copy of a letter from Plaintiffs' counsel on which I was copied, dated November 5, 2015.

4. Attached hereto as Exhibit 2 is a true and correct copy of my email to Plaintiffs' counsel on November 5, 2015 in response to his November 5 letter.

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct and that this declaration was executed on December 23, 2015 in New York, New York.

/s/ Adam M. Lupion

Adam M. Lupion